



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,394	09/13/2000	Yasuhiro Komori	862.C2001	8092

5514 7590 02/11/2003

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

NOLAN, DANIEL A

ART UNIT PAPER NUMBER

2655

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/661,394

Applicant(s)

KOMORI ET AL.

Examiner

Daniel A. Nolan

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23, 24, 28, 29, 32-34, 37 and 38 is/are allowed.
- 6) ☒ Claim(s) 1-22, 25-27, 30, 31, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 & 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

(Note that as of October 1, 2002 a new **Art Unit 2655** was established that includes this application, and that this new AU number should be used in all future correspondence.)

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Issues arising from the language used in the immediate application require that this explanation be provided to distinguish between the separate processes of "voice recognition" and "speech recognition." Voice recognition identifies individuals by sound, while speech recognition derives meaning from utterances. The USPTO categorizes these separately as class/subclasses 704/246 and 704/251, respectively.

### ***Response to Amendment***

2. The response filed 24 January 2003 was filed to the following effect:
  - The specification has been changed as indicated and the objections are withdrawn as having been satisfied.
  - The claims have been changed as indicated and examined on the merits.

***Response to Arguments***

3. Applicant's arguments filed 24 January 2003 have been fully considered but they are not fully persuasive.

- Regarding the issue that the steps of recognition are performed out of order, it is well-known in the art of speech recognition that presence of *voice* must be established before *speech recognition* can take place. Step 402 is *voice recognition* that merely establishes that a signal is a vocalization and so is requisite to steps 403 and on, which perform the tasks of *speech recognition*. Because subsequent argument does not reflect on this established reference, the rejections are maintained.
- The Examiners' initials inadvertently omitted from the Applicant's copy of the PTO Form 1449 returned with the previous Office Action were present in the signed copy of that same document retained in the case file. Consequently, a copy of the Form 1449 from the case file is being provided with this action.
- The Examiner withdraws the objection to the Summary of the Invention without conceding that this Summary of the Invention amounts to anything more than mere recitation of the claims and so contributes nothing to the disclosure or Specification.

- The changed title has no benefit over that which was originally submitted with the application, so the original objection is withdrawn in favor of the title being restored to its original form.

Applicant may submit an amendment reverting the title of the invention back to its original condition or the Examiner will do so at the time the case is allowed.

### ***Claim Rejections - 35 USC § 102***

#### **Kato et al**

4. Claims 1-3, 6-7, 10-17, 19-22, 25-27, 30-31 & 35-36 are rejected under 35 U.S.C. 102(e) as being directly anticipated by Kato et al (U.S. Patent 6,263,202).
5. Regarding claim 1, Kato et al discloses that their *Communications System and Wireless Terminal* applies to the features as follows:
  - Kato et al (figure 2) reads on the feature of *a speech input terminal (1201) for transmitting speech data (12) to a speech recognition apparatus (3204) through a wire or wireless communication network (14).*
  - Kato et al (figure 7) reads on the feature of *speech input means (401)*
  - Kato et al (figure 7) further reads on the features of *means for creating information for speech recognition (403) which is unique to that speech input terminal or represents an operation state*

- Kato et al (figure 7) further reads on the feature of *communication means for transmitting the information to that speech recognition apparatus (406).*

6. Regarding claim 2, the claim is set forth with the same limits as claim 1.

Kato et al (403 in figure 7) reads on the feature that *the information is based on at least one of a characteristic of that speech input means, a noise characteristic, and a speaker characteristic.*

7. Regarding claim 3, the claim is set forth with the same limits as claim 1.

Kato et al (404 in figure 7) reads on the feature of *converting the speech data on the basis of the conversion condition (as in column 3 lines 3-16) when a data conversion condition for communication based on the information is received from that speech recognition apparatus.*

8. Regarding claim 6, Kato et al (figure 2) reads on the features of:

- *A speech recognition means (1202) for executing speech recognition processing for speech data transmitted from a speech input terminal (1201) through a wire or wireless communication network (14); and*
- Kato et al (figure 2) reads on the feature of the *means for receiving information for speech recognition (3201), which is unique to that speech input terminal or represents an operation state from that speech input terminal (3202),*

- Kato et al (figure 2) reads on the feature that *wherein that speech recognition means executes speech recognition processing on the basis of the information (3204).*
9. Regarding claim 7, Kato et al (figure 2) reads on the features of
- *A speech recognition apparatus for executing speech recognition processing for speech data transmitted from a speech input terminal through a wire or wireless communication network (18) comprising:*
  - Kato et al (figure 22a) reads on the feature of *means for creating information for speech recognition (904) which is unique to that speech input terminal or represents an operation state, on the basis of the transmitted speech data; and*
  - Kato et al (figure 18A) reads on the feature of *means for executing speech recognition processing (502) on the basis of the information.*
10. Regarding claim 10, Kato et al (figure 2) reads on the features of
- *A speech recognition apparatus for executing speech recognition processing for speech data transmitted from a speech input terminal through a wire or wireless communication network (18) comprising:*
  - Kato et al (figure 2) reads on the feature of *a means for receiving information for speech recognition that is unique to that speech input terminal or represents an operation state from that speech input terminal (as conversion type data from*

3201 to 3202) and the *means for determining a data conversion condition for communication on the basis of the information*

- Kato et al (figure 2) reads on the feature of a *means for transmitting the data conversion condition to that speech input terminal (3204)*.

11. Regarding claim 11, Kato et al (figure 2) reads on the features of

- *A speech recognition apparatus for executing speech recognition processing for speech data transmitted from a speech input terminal through a wire or wireless communication network (18) comprising:*
- Kato et al (figure 2) reads on the feature of a *means for creating information for speech recognition, which is unique to that speech input terminal or represents an operation state, on the basis of the transmitted speech data* (column 7 lines 4-13).
- Kato et al (figure 2) reads on the feature of a *means for determining a data conversion condition for communication on the basis of the information* (column 3 lines 3-16)
- Kato et al (figure 2) reads on the feature of a *means for transmitting the data conversion condition to that speech input terminal* (column 6 line 4).

12. Regarding claims 12 and 13; the claims are set forth with the same limits as claims 10 and 11, respectively. Kato et al reads on the feature of a *data conversion*



*condition based on a quantization table created on the basis of information (column 7 lines 1-2).*

13. Regarding claims 14, 15, 16, 17 & 18; the claims are set forth with the same limits as claims 6, 7, 10, 11 & 8, respectively. Kato et al (in figure 23) reads on the feature of *storing the information in correspondence with each speech input terminal (column 164) when speech input terminal comprises a plurality of speech input terminals.*

14. Regarding claims 19 and 20; the claims are set forth with the same limits as claims 10 and 11, respectively. Kato et al (column 8 line 35) reads on the feature that *when the speech input terminal comprises a plurality of speech input terminals, storing the data conversion condition (as disclosed in column 3 lines 3-16) in correspondence with each of that speech input terminals.*

15. With regard to claim 21, Kato et al (figure 2) applies to the features as follows:

- Kato et al (12 & 18) reads on *a speech communication system comprising a speech input terminal and a speech recognition apparatus which can communicate with each other through a wire or wireless communication network*
- Kato et al (1201) reads on *that speech input terminal comprises speech input means,*

- Kato et al (403 figure 7) reads on *means for creating information for speech recognition that is unique to that speech input terminal or represents an operation state,*
  - Kato et al (406 figure 7) reads on the feature of *communication means for transmitting the information to that speech recognition apparatus, and*
  - Kato et al (36 in figure 3) reads on the feature that the *speech recognition apparatus comprises means for executing speech recognition processing on the basis of the information.*
16. With regard to claim 22, Kato et al (figure 2) applies to every feature as follows:
- Kato et al (12 & 18) reads on a *speech communication system comprising a speech input terminal and a speech recognition apparatus which can communicate with each other through a wire or wireless communication network*
  - Kato et al (403 figure 7) reads on *means for creating information for speech recognition unique to that speech input terminal or represents an operation state,*
  - Kato et al (406 figure 7) reads on the feature of *communication means for transmitting the information to that speech recognition apparatus, and*
  - Kato et al (36 in figure 3) reads on the feature that the *speech recognition apparatus comprises means for executing speech recognition processing on the basis of the information.*

17. With regard to claim 25, Kato et al (figure 2) applies to every feature as follows:

- Kato et al (12 & 18) reads on a *speech communication method comprising a speech input terminal and a speech recognition apparatus which can communicate with each other through a wire or wireless communication network*
- Kato et al (403 figure 7) reads on *means for creating information for speech recognition that is unique to that speech input terminal or represents an operation state,*
- Kato et al (406 figure 7) reads on the feature of *communication means for transmitting the information to that speech recognition apparatus.*

18. Regarding claims 26 and 35, Kato et al (figure 2) applies to every feature as follows:

- Kato et al (12 & 18) reads on the *method of executing speech recognition processing for speech data transmitted from a speech input terminal through a wire or wireless communication network*
- Kato et al (parameters to 3202) reads on *receiving information for speech recognition unique to that speech input terminal or represents an operation state,*
- Kato et al (3204) reads on the feature of *executing speech recognition processing on the basis of the information.*

19. With regard to claim 27, Kato et al (figure 2) applies to every feature as follows:
- Kato et al (12 & 18) reads on a *speech communication method of executing speech recognition processing for speech data transmitted from a speech input terminal through a wire or wireless communication network*
  - Kato et al (403 figure 7) reads on *means for creating information for speech recognition unique to that speech input terminal or represents an operation state*,
  - Kato et al (36 in figure 3) reads on the *feature of executing speech recognition processing on the basis of the information*.
20. With regard to claim 30, Kato et al (figure 2) applies to every feature as follows:
- Kato et al (as 2<sup>nd</sup> parameter set to 1202) reads on the *feature of creating information for speech recognition, which is unique to that speech input terminal or represents an operation state*
  - Kato et al (1205) reads on the *feature of transmitting the information to the speech recognition apparatus*
  - Kato et al (in 34) reads on the *feature of executing speech recognition processing on the basis of the information*.

21. Regarding claims 31 and 36, Kato et al (figure 2) applies to every feature as follows:

- Kato et al (as 2<sup>nd</sup> parameter set to 1202) reads on the feature of *creating information for speech recognition, which is unique to that speech input terminal or represents an operation state*
- Kato et al (in 34) reads on the feature of *executing speech recognition processing on the basis of the information.*

### ***Claim Rejections - 35 USC § 103***

22. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Kato et al & Schliwa**

23. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al in view of Schliwa (U.S. Patent 6,223,161).

24. Regarding claim 4, the claim is set forth with the same limits as claim 1.

- Kato et al (column 7 lines 42-55) reads on the feature of *means for storing the information*;
- Where Kato et al does not disclose that information will not be replenished unless necessary, Schliwa (4<sup>th</sup> item in figure 4) reads on the features of providing for a *means for determining whether there has been a change in the information in each communication; and means for, when there has been no change in the information, notifying that speech recognition apparatus of the corresponding information*.
- It would have been obvious for a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method of Schliwa to the device/method of Kato et al because Schliwa teaches the convention of checking the usage buffer before making an unnecessary change to the present settings of the apparatus.

**Kato et al & Nagai et al**

25. Claims 5, 8, 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al in view of Nagai et al (U.S. Patent 6,058,365).

26. Regarding claims 5 and 8-9; the claims are set forth with the same limits as claims 1, 6 and 7, respectively.

- While Kato et al (figure 5) reads on the feature that the *communication means transmits the information (50) and/or the speech recognition model to that speech recognition apparatus*, they do not detail speech recognition process to the level of detail that would disclose *creating a speech recognition model*.
- Nagai et al (109 in figure 1) reads on the feature of *means for creating a speech recognition model (column 3 lines 61-64) on the basis of the information*.
- It would have been obvious for a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method of Nagai et al to the device/method of Kato et al because Nagai et al teaches one to save time by creating a model for immediate processing to known models.

27. Regarding claim 18, the claim is set forth with the same limits as claims 8. Kato et al (column 8 line 35) reads on the feature that when the *speech input terminal comprises a plurality of speech input terminals, storing the speech recognition model in correspondence with each of that speech input terminals*.

***Allowable Subject Matter***

28. Claims 23-24, 28-29, 32-34 and 37-38 are allowed.
29. The following is a statement of reasons for the indication of allowable subject matter:
- Heuristic or learning transmitters either retain successful parameters until successful acknowledgement is received and the settings fed back and stored for future use, or make an evaluation based on this immediate feedback.
  - *Such feedback may be effectively transmitted between adjacent components in a "closed system".*
  - Those immediate application claims indicated as allowable have the settings *transmitted back to the receiver through the network from the speech processor.*
  - The closest prior art of record, Kato et al '202, *has no feedback* suggested from the receiver/converter to the transmitter/input terminal.
  - As the next closest prior art of record, Watari et al employs an intervening *control unit* between input terminals and host so does meet the featured condition of terminal communication with host. Further, the information passed is confined to content and availability, and does not include the *environmentals* defined in the instant specification as making up the feature incorporating transmitting of the *data conversion condition.*



- Regarding claims 23-24 28-29 32-34 and 37-38, the settings *are established in the remote component and sent to the transmitter* for future use. Consequently, the feature where *the speech recognition processing transmits the data conversion condition (& information) to the speech input terminal* is neither anticipated nor is it found in obvious combination in the prior art of record.

### **Conclusion**

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

31. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel A. Nolan at telephone (703) 305-1368 whose normal business hours are Mon, Tue, Thu & Fri, from 7 AM to 5 PM.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached at (703) 305-4827.

The fax phone number for Technology Center 2600 is (703) 872-9314. Label informal and draft communications as "DRAFT" or "PROPOSED", & designate formal communications as "EXPEDITED PROCEDURE".

Formal response to this action may be faxed according to the above instructions, or mailed to:

Box AF  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or hand-delivered to:

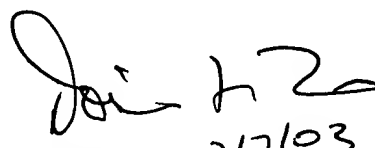
Crystal Park 2,  
2121 Crystal Drive, Arlington, VA,  
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office at telephone number (703) 306-0377.

Daniel A. Nolan  
Examiner  
Art Unit 2655

DAN/d

February 6, 2003

  
DORIS H. TO 2/7/03  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600